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FRANK GUILTY

LONGEST AND MOST BITTERLY FOUGHT CASE IN HISTORY OF GEORGIA ENDS WHEN JURY BRINGS IN VERDICT “GUILTY”

"Guilty."

That is the verdict in the case of the state versus Leo M. Frank.

The jury, which heard the evidence in the south's most sensational murder mystery, has declared that Frank, the superintendent of the National Pencil factory, where little Mary Phagan, an employe, was found murdered, on the morning of April 26, is guilty of the crime.

The verdict comes at the end of the longest trial in the criminal history of Georgia. For nearly four weeks the jury had heard evidence, presented by both sides. Several hundred witnesses were examined and when the evidence was all in, able arguments, summing up the case, were made by the south's most brilliant lawyers. The case went to the jury and the verdict of guilty has been returned. That the case will be immediately appealed is beyond all doubt. In fact Frank's able attorneys, Luther Z. Rosser, and Reuben R. Arnold, noted many objections while the trial was in progress, chief of which was the admission of the attack on Frank's character made by the negro, Jim Conley. This no doubt will furnish one of the grounds for appeal.

Though the verdict comes as a shock to Frank and his friends, the fight for his life has just begun. Those who have stood by the man adjudged guilty of Mary Phagan's death still believe in his innocence, and they will leave no stone unturned to upset the verdict by an appeal to the higher courts.

HERE ARE TWELVE MEN WHO TRIED FRANK

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wife was there, Rabbi Marx was with me.

"He doesn't prove his assertion, but relies solely on his own statement.

"If he can prove it, why didn't he?

"Can you tell me that there lives a true wife, conscious of her husband's innocence, that would have been deterred by a line of reporters?"

"UNFAIR," SAYS ARNOLD.

Attorney Arnold interrupted: "Your honor, I can't let this go on. It's the most unfair argument I ever heard. It's manifestly unfair to a man on trial for his life. It's an outrage upon law and justice."

There was some little discussion. Judge Roan said, "If it's in his statement, Mr. Arnold, I'll have to let Mr. Dorsey argue it."

"Let the galled jade wince!" cried Mr. Dorsey. "They know it!"

Attorney Rosser spoke up. "It's a dirty speech," he exclaimed.

Judge Roan ruled, however, that if the assertions were in Frank's statement, Mr. Dorsey could proceed.

"Frank said his wife didn't go there because snapshooters would get her picture," continued Mr. Dorsey. "I tell you there never lived a woman conscious of the rectitude and innocence of her husband that wouldn't have gone to his side—that wouldn't have gone through a line of reporters, snapshooters, and against the advice of any rabbi.

"Frank says in his statement, with reference to those notes written by Conley, that he told his friends in the jail that he

knew Conley could write because he had written him too many notes asking to borrow money. He says he gave them directions to look in a drawer in the safe and find the card of a jeweler from whom Conley had bought a watch.

"This corroborates Conley as to the watch incident; and as to Conley telling Mr. Frank not to take out any more of his money to pay the jeweler.

"Scott says that no such thing ever happened as Frank giving them directions which resulted in the discovery that Conley could write because he had written him too many notes asking to borrow money. He says he gave them directions to look in a drawer in the safe and find the card of a jeweler from whom Conley had bought a watch.

"This corroborates Conley as to the watch incident; and as to Conley telling Mr. Frank not to take out any more of his money to pay the jeweler.

"Scott says that no such thing ever happened as Frank giving them directions which resulted in the discovery that Conley could write.

"If Frank knew so well that Conley would write, in the name of fairness, why didn't he then and there, when they showed him the notes at police station, tell them that the writing was the writing of James Conley? Up to the time they discovered that Conley could write, only their discovery could force Conley to make an admission that he was connected with this crime.

"Frank says he knew that Conley could write.

NOTES KEY TO MYSTERY.

"Why, then, did he keep his mouth shut until the detectives discovered it, when he knew that these notes were the key that would unlock the mystery.

"Ah, you knew that Conley could write!" turning to the accused. "You knew it, because he had checked up the boxes at the pencil factory. You knew it, because, according to your own statement, he had written you notes asking to borrow money. You knew that the most powerful fact that could be brought to light was the identity of the person who wrote those notes. And yet, when you saw the notes Sunday morning at police station, you said not a word, although the notes themselves said that the crime had been committed by a negro.

"Gentlemen of the jury, it is not necessary for me to discuss the significance of this fact any further. You are obliged to appreciate it yourselves.

"Frank says, with reference to Conley's visit to the jail, that when Conley wanted to confront him he sent word to the detectives to get Mr. Rosser's permission. Mr. Rosser, on that day, was at Tallulah Falls, trying a case. But he got back from there, didn't he? He didn't remain up there. I tell you, gentlemen of the jury, and I measure my words when I say them—and if you've

got sense enough to get out of a shower of rain, you know it's true—that never in the history of the Anglo-Saxon race, and never in the history of the African race in America, did an ignorant negro ever accuse a white man of a crime

where the white man was innocent, and the white man refused to confront the negro.

"And I'll tell you another thing. There never lived in Georgia a lawyer with one-half the ability of Mr. Rosser, with a consciousness of his client's innocence, who wouldn't have said: 'Let my innocent client confront this negro.'

"I know that if a negro accuses me when I am innocent, I am going to confront him, whether my lawyer is in town or not. And if I do, perchance, wait until my lawyer returns, I am certainly going to confront him then.

"You make much of the fact that you didn't know what Jim Conley would say on the witness stand," said the solicitor, addressing the accused. "You could have known—if you had dared!"

ROSSER INTERRUPTS.

Mr. Rosser arose and objected, declaring that the solicitor's statement was untrue; that even the detectives at that time did not know of the innuendoes in Conley's statement.

"Oh, you can get up as much as you want to!" said Mr. Dorsey. "But I will put it up to the jury."

Mr. Rosser objected again. "He has no right to go into my conduct or to comment on my objections. He must stay in the record."

"I am in the record!" said Mr. Dorsey. Mr. Rosser objected again. Judge Roan said: "You can argue that Frank refused to see his accuser." Mr. Rosser: "We didn't object to that." Mr. Dorsey: "Ah, they see the force, they see the force of it!"

Mr. Rosser objected again, and Judge Roan ruled with him.

"Well, if they don't see the force of it, then you do, gentlemen of the jury," said Mr. Dorsey. Judge Roan directed the solicitor to cease comments on the attorney's objections. Mr. Dorsey continued:

"This man Frank, with Anglo-Saxon blood in his veins, graduate of Cornell, superintendent of the National Pencil factory, so anxious to ferret out the crime that he phoned Schiff three times to get detectives, this man, Frank, refused to meet this ignorant negro on the flimsy pretext that his attorney was out of town. But Rosser returned to town, and then when he had an opportunity to know some of the accusations he dared not let Frank meet this negro.

"But it is not necessary to take up time with this. Tell me that the weakest of you, if you were innocent, and a black-skinned man charged you with an infamous crime—that any lawyer, Rosser or anybody else, could keep you from confronting him and nailing the lie?

"No lawyer could prevent me from confronting the man who accused me wrongfully, were he black or white."

INTERVIEW WITH LEE.

Turning to the defendant: "And you went in and interviewed Newt Lee at 12 o'clock Tuesday night. What did you do? Did you act like a man who wanted to get the truth? No. Instead of talking up and trying to get the truth from the man to whom you had infamously directed suspicion to save your own neck, the man whom you would have sent cheerfully to the gallows to save your reputation among the people of Washington street and the people of

the B'nai B'rith—did you make an honest, conscientious effort as employer to employ? No. According to Lee, you hung your head and predicted that both of you would go to hell if he continued to tell the story which he tells to this good day.

Image 8:
In your statement you try to make us believe that your detective, Scott, and old John Black, concocted a scheme and lied to ruin you.

"The reason Frank didn't put it up to Lee and try to get the truth was because he knew that Lee was innocent, and that he himself was the murderer. And he knew that by trying to direct suspicion toward Lee he was adding another crime to his assault upon Mary Phagan's virtue and to his murder of her. He knew that he was making an infamous effort to send this negro to the gallows to save his own reputation and his own neck.

"OH, HE'S SMART!"

"Listen to this. Oh, he's smart! Listen how he qualifies and fixes up this point in his statement so that on rebuttal the technical law prevented our impeaching it: 'The detectives stressed the fact that couples had probably been let into the building by Night Watchman Newt Lee.' By Night Watchman Newt Lee,

Image 9:
who had been there only two weeks; not by night watchmen—for he knew what the detectives could prove.

"During those weeks there wasn't but one person for whom his passion burned; and that person was Mary Phagan. She

didn't meet him when Newt was night watchman. If it were not true that couples were admitted to the basement, why didn't he make the challenging statement to the police that at no time couples were admitted?

"Another thing. Listen to this: 'Those spots claimed to be blood on the floor—now I don't say they are not blood; they may be. They are right by the women's dressing room. And, by the way, about those accidents; we don't report all accidents there. There are accidents that we don't have records of. And also we use paint and varnish, a great deal of it. I've seen girls break bottles of varnish lots of times. And had it been blood, that hascoline, which is a great

Image 10:
solvent and which was over it, would have been pink or red.'

"Contrast that with the reference he made to the floor around Barett's machine. There, he says, there wasn't a spot, much less a spot that looked like blood. He said 'there are spots all over the factory,' and yet he said there were none there.

"And you say that wasn't blood," made to the floor around Barrett's macoline wouldn't have remained that white. In the name of truth and goodness, then, why didn't you bring chemists in to back up your statement?"

Facing the jury:

"Gentlemen, wouldn't it have been the same color as witnesses here swore it was?"

"THOSE SPOTS WERE BLOOD."

Facing the defendant again: "If it be true that you didn't care what Dr. Harris said, why didn't you devote a little of the time you took with your attempt

Image 11:
to tear down his statement, to bring a reliable chemist into court to bear up your assertions? In the name of truth and fair play, why didn't you sustain them? These gentlemen want the truth. There's but one answer; and you know what it is. Those spots were blood, and the color of hascoline wouldn't have changed, as you said it would, but would have remained just as the witnesses who testified here swore it was. There was no more important fact in the whole case for you, than to have brought in evidence to prove what you said. You couldn't get a chemist to come in here and sustain you."

Turning back to the jury: "Are you going to believe this statement, not backed up by any chemist on earth? Gentlemen, they couldn't get a reliable chemist to come in here and say that that was not a blood stain.

Image 12:
"They've got no defense. They never have come to close contact in this case, except on the question of abuse. They circle but never light. They dwell on varnish, and cat's blood, and Duffy's blood, but they won't knuckle down and show that those stains were not blood. You know, gentlemen, that that was blood. You know it was the blood of the innocent victim of his lustful passion. You know it, by the testimony of Mel Stanford, Mrs. Jefferson and 'Christopher Columbus' Barrett—'Christopher Columbus' Barrett, who was honest enough and brave enough to tell

the truth even though he gets his living from the coffers of the National Pencil company.

"FLUTTER BUT NEVER LIGHT."

"And another proposition, gentlemen, over which they flutter but where they never light: they don't say Conley put her body down a hole. They can't name a hole. They don't say Conley

Image 13:
put her down through that hole in the Clark Woodenware company, which would have concealed her body a far longer time than the place where it was found. Boxes were stacked high around that. And people coming into the basement, and the fireman, wouldn't have found it there.

"Would this negro who they say robbed the girl, even if he had taken the trouble to write the notes of his own volition, have taken time to tie a cord around her neck—cord which, by their own admission, is seldom found in the basement but is plentiful on the office floor—if he had done all that, why would that negro have moved her body if it was more securely hidden where they say he attacked her?

"Will you tell me why, if he put her down through that scuttle hole back there, he tied the cord around her neck and dragged her out to where she surely would be found? Will you tell me why old Holloway called the police,

Image 14:
when Conley was washing his shirt; and why he said 'That's my nigger?' And tell me why after detectives had searched around there for two weeks, blood was found around that

scuttle hole—more blood than the poor girl ever was shown to have lost?

"Listen to this: In his own statement, Frank says that Quinn came to him and said he would like to take him back to the metal room and show him spots that were supposed to be blood spots, and that the papers said had been found by Barrett; and show him, too, some hair—although he had seen all this in the papers that morning, and although he was so anxious to get the Pinkertons on the case that he phoned three times, and although he was torn up about it. Why did Quinn have to come and get him to go back there? Was that the conduct of the superintendent of a pencil factory, anxious to find the murderer of a girl employe?

Image 15:
CITES FRANK'S CONDUCT.

"Was that the conduct of a man anxious to aid the detectives?

"Yet he tells you in this statement, so early written, so glibly rattled off, that he made a minute examination of the blood spots with an electric flash light. Isn't it strange that Lemmie Quinn doesn't sustain you on that point? No one ever saw you examine what the host of witnesses said was blood. Why? Because such an examination never took place. If there was one spot on the earth that you didn't want to examine it was that blood there on the second floor, where by your own statement you were at work when this poor girl met her death.

"Frank says he visited the morgue twice, once in the morning and once in the afternoon. If it is true, as he says,

that it tore him all to pieces when he saw the corpse that morning, I want you as honest men to tell me why he went

Image 16:
why he went there again in the afternoon. Boots Rogers testified that Frank did not look at the body that morning. Black said that he didn't see Frank look at it."

Attorneys Arnold and Rosser objected,

Image 17:
contending that Rogers testified that he was not looking at Frank instead of testifying positively that Frank did not look at the body.

"NEVER LOOKED AT CORPSE."

"All right," said the solicitor, "I'm not going to quibble with you on that point. The truth is, and you know it, that he never looked at the body, and if he did neither Boots Rogers nor Black nor Gheesling saw him. If he did, it was just a glance as the light flashed on, and then he turned and went into another room."

Attorneys for the defense objected again on the ground that there was no evidence to show that Frank went into another room. Solicitor Dorsey replied:

"I know this evidence and I know what I'm talking about."

Attorney Arnold: "But what's the use in objecting, your honor, if he keeps right on?"

Solicitor Dorsey: "Let 'em look up the evidence, your honor. They've got plenty of time and nothing else to do?"

Judge Roan: "But they insist, Mr. Dorsey, that you do not go ahead until the matter is settled by reference to the evidence."

Image 18:
Solicitor Dorsey: "I insist, your honor, that they look up the evidence."

JUDGE LOOKS INTO RECORD.

Judge Roan: "Give me the record, Mr. Arnold," rather impatiently, "and I'll look it up myself."

Solicitor Dorsey continued.

"If he ever looked at the body, he looked at it briefly; and in that brief glance, if the arms were blackened with dirt and if the face was blackened and the mouth full of sawdust and the eyes black, and if he didn't know Mary Phagan, how could he identify her so promptly and so positively?

"The reason for his second visit, after he had failed to mention the tragedy to the family at dinner that Sunday, and after the sight of the corpse had torn him all to pieces, as he says himself, was that he wanted to put his ear to the ground and find out if there was any whisper or suggestion that Leo M. Frank was the man who perpetrated the dastardly crime. Rogers didn't see him. And Gheesling didn't see him. Neither saw him take a good look at the body.

"He admits himself that the sight of the corpse tore him all to pieces. He tries to make you believe that it was the automobile ride in the early morning air. Yet like a dog to

its vomit, like a sow to her wallow, he went back down there to see the body of that innocent girl.

"No, that wasn't the reason. He went back there to see if he could detect a scent of anything which would indicate that the police had suspected him."

ROSSER CITES RECORD.

At this point the record on Boots Rogers' testimony was found. Reading from the cross-examination, Attorney Rosser showed where Rogers testified that Frank passed out of his view.

The solicitor still insisted that on the direct examination, Rogers had testified that Frank went out of the room.

"He wanted to get out of the view of anyone who represented the majesty and the dignity of the law," said the solicitor.

Attorney Rosser insisted that the solicitor was not confining himself strictly to the evidence.

"All right!" the solicitor finally exclaimed, impatiently. "I'll let that pass. I'll throw you that sop to satisfy you."

Resuming, he addressed the jury.

"This thing kept preying on his mind when he went home that night, until his guilty conscience finally prompted him to make a play of lightness, I suppose he must have done it just to satisfy himself that he could appear perfectly at ease; that he could repress any sign of nervousness. So he went in and read to them the funny story in the magazine. As he was not nervous then, and was not nervous at the table that night; he surely was nervous and won't deny it

when he faced and had to discuss the proposition with the minions of the law, on Sunday morning.

WHEN FRANK WAS NERVOUS.

"He was nervous when he started to turn on the power of the elevator down at the factory. He was nervous when he tried to start the elevator down to the basement. Unsupported by any oath, he tells you that a fireman had come around and instructed him not to lock the power box. I ask you what was the necessity of leaving the power box open when by a simple turn of the lever they could cut the current off, and thereby obviate all possibility of firemen being electrocuted?

"No, gentlemen, the truth is just like Holloway swore it in that affidavit he made to me back there in May. That power box all the time, and the key hung in Frank's office, just